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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/427,819	10/27/1999	ENGELBERTUS VAN WILLIGEN	PHN-17.166	3807
24737 7590 07/06/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER NOBAHAR, ABDULHAKIM	
			ART UNIT 2132	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/427,819	<b>Applicant(s)</b> VAN WILLIGEN, ENGELBERTUS	
	<b>Examiner</b> Abdulhakim Nobahar	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,4-7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,8 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-7 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This office action is in response to applicant's response filed on 04/10/2007.
2. Claims 1, 4-7 and 9 are pending.
3. Applicant's arguments have been fully considered but they are not persuasive.

### Response to Arguments

1. Applicant's on page 6, lines 15-18 of the remarks argue that "Brooks fails to disclose, teach or imply the limitation of a subscriber terminal requesting services directly from an authorization server, as claimed in claim 1. Independent claims 5-7 recite similar limitations."

The examiner respectfully disagrees and asserts that Brooks discloses a method and apparatus that provides services or access to requested resources to users after validation of an identification code (see col. 1, lines 56-62). Furthermore, Brooks discloses: "At least some of this stored data is accessible to the subscriber through a direct interaction with the level 1 gateway 300. For example, the user can use the resident application 206 to identify certain service providers to the level 1 gateway 300 ...(see col. 18, lines 28-33)"; "Alternatively, the VIU may order pay-per-view events through an on-line interaction with the level 1 gateway 300 using the resident application. In such a case, the VIU could suspend a VIP application (such as an interactive game) in order to perform on-line registration using the resident application and thereafter resume the VIP application (see col. 22, lines 3-6)"; and "In addition, the user may use the resident application to establish an interactive session with the level 1

gateway 300 that results in the VIU selecting a specific one of the IMTV VIPs connected to the enhanced video dial tone network (see col. 23, lines 29-32).” Therefore, Brooks invention includes a mechanism for enabling a user to directly interact with a service provider an request a service.

2. Applicant’s on page 7, lines 15-18 of the remarks argue that “...by requesting a level 1 gateway session... to perform on-line registration to request the service from the service provider. Thus, Brooks teaches that a user must contact the service provider to request a service at which point, perhaps hours or days later, the service provider updates the appropriate equipment to authorize the service, see col. 17, lines 42-62.”

The examiner respectfully disagrees and asserts that the cited teachings of Brooks by applicant do not indicate that a requested service may be provided to a user with hours or days delay. To the contrary, as pointed out above due to the user direct on-line interaction with a provider to request a service, for example, a pay-per-view program, it would not take hours or days rather it would take a relatively short time to receive the requested service by the user.

3. The examiner, however, in light of the above submission maintains the previous rejections while considering the amendments to the claims as follows:

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 5 and 6** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5, in line 5 recites "a subscriber to logon transmit an authorization", which is an unclear statement and makes the claim indefinite.

Claim 6, in line 5 recites "using a-protocol network", which is an unclear statement and makes the claim indefinite.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Claims 1, 4-7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Brooks et al (5,973,684) (hereinafter Brooks).**

Referring to claims 1 and 7, Brooks discloses:

an information server coupled to an Internet protocol gateway. See, for example, column 13, line 58-column 14, line 13.

A plurality of subscriber terminals coupled to the Internet protocol gateway, the subscriber terminals for receiving broadcast signals from the information server. See, for example, col. 5, lines 23-39 and col. 12, lines 40-67.

A return channel for transmitting information from a subscriber terminal to a head-end. See, for example, col. 3, lines 40-67 and col. 4, lines 14-39.

wherein the subscriber terminal is configured to enable a subscriber to request from an authorization server using an Internet protocol gateway, one or more of a plurality of services. See, for example, col. 17, lines 33-62, col. 18, lines 26-36 and col. 22, lines 3-6.

the authorization server configured to check the entitlement of the subscriber to the one or more of a plurality of services to be provided by the information server. See, for example, col. 22, lines 23-43.

the authorization server is configured to enable the subscriber to access said one or more plurality of services. See, for example, col. 3, lines 62-67, col. 18, lines 26-36, col. 21, lines 46-67, col. 22, lines 3-21 and col. 27, lines 42-55.

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where each requested service can be authorized separately. See, for example, col. 19, line 63-col. 20, line 4, where each program is authorized for each request.

Referring to claim 4, Brooks discloses:

The broadcast network according to claim 1, wherein said services are transmitted using IP packets, and in that said message comprises information about at least one destination IP address to which IP packets from the subscriber station are passed. See, for example, column 1, lines 22-34, column 4, lines 6-13, column 6, lines 35-42 and column 8, lines 35-44.

Referring to claim 5, this claim is rejected as applied to like elements of claim 1 as above and further Brooks discloses:

Subscriber station for receiving broadcast signals. See, for example, column 5, lines 24-38.

Said subscriber stations being arranged for transmitting information via a return channel to a head-end. See, for example, col. 3, lines 40-67 and col. 4, lines 14-39.

Wherein the subscriber station is configured to enable a subscriber to (logon) transmit an authorization request message to an authorization server. See, for example, col. 17, lines 33-62 and col. 18, lines 26-36.

The subscriber station further being arranged for receiving authorization messages from the authorization server. See, for example, column 10, lines 21-31, column 15, lines 47-58 and column 18, lines 26-36.

And in that the subscriber station is arranged for requesting services from the head-end after receiving a positive authorization message. See, for example, column 15, lines 34-58.

Referring to claim 6, Brooks discloses:

A gateway for passing information from an information server to at least one subscriber terminal. See, for example, col. 5, lines 23-39 and col. 12, lines 40-67.

Wherein the gateway is arranged for requesting one or more of a plurality of services to an authorization server using a protocol network. See, for example, column 1, lines 22-34, column 4, lines 6-13, column 6, lines 35-42 and column 8, lines 35-44.

and in that the gateway is arranged for enabling the subscriber to access the one or more of a plurality of services in response to an authorization message received from the authorization server. See, for example, col. 17, lines 33-62; col. 18, lines 26-36, col. 21, lines 46-67 and col. 22, lines 3-21.

where each requested service can be authorized separately. See, for example, col. 19, line 63-col. 20, line 4, where each program is authorized for each request.

Referring to claim 9, Brooks discloses:

Method according to claim 7, wherein said message comprises information about at least one source IP address from which IP packets are passed to the subscriber station. See, for example, column 15, lines 20-29 and column 19, lines 12-23.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdulhakim Nobahar whose telephone number is 571-272-3808. The examiner can normally be reached on M-T 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Abdulhakim Nobahar  
Examiner  
Art Unit 2132

*a.n.*

June 27, 2007

*Gilberto Barron Jr.*

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